

which has one or more of the following characteristics:

- (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating;
- (2) Has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.³ for fumes, and below 25 m.p.p.c.f. in case of a dust;
- (3) Has a single dose oral LD₅₀ below 500 mg./kg.;
- (4) Is subject to polymerization with the release of large amounts of energy;
- (5) Is a strong oxidizing or reducing agent;
- (6) Causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or
- (7) In the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

§ 1915.5 Incorporation by reference.

(a) Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part.

(b) The materials listed in paragraph (d) of this section are incorporated by reference in the corresponding sections noted as they exist on the date of the approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(c) Copies of the following standards that are issued by the respective private standards organizations may be obtained from the issuing organizations. The materials are available for purchase at the corresponding addresses of the private standards organizations noted below. In addition, all are available for inspection at the Office of

the Federal Register, 800 North Capitol Street, NW., suite 700, Washington DC, and through the OSHA Docket Office, room N2625, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, DC 20210, or any of its regional offices.

(d)(1) The following material is available for purchase from the American National Standards Institute, 11 West 42nd Street, New York, NY 10036.

(i) ANSI A14.1-1959 Safety Code for Portable Wood Ladders, IBR approved for § 1915.72(a)(6)

(ii) ANSI A14.2-1956 Safety Code for Portable Metal Ladders, IBR approved for § 1915.72(a)(4)

(iii) ANSI B7.1-1964 Safety Code for the Use, Care, and Protection of Abrasive Wheels, IBR approval for § 1915.134(c)

(iv) ANSI Z87.1-1989 Practice for Occupational and Educational Eye and Face Protection, IBR approved for § 1915.153(b)(1).

(v) ANSI 87.1-1979 Practice for Occupational and Educational Eye and Face Protection, IBR approved for § 1915.153(b)(2)

(vi) ANSI Z89.1-1986 Personnel Protection—Protective Headgear for Industrial Workers Requirements, IBR approved for § 1915.155(b)(1)

(vii) ANSI Z89.1-1969 Safety Requirement for Industrial Head Protection, IBR approved for § 1915.155(b)(2).

(viii) ANSI Z41-1991 Personal Protection—Protective Footwear, IBR approved for § 1915.156(b)(1)

(ix) ANSI Z41-1983 Personal Protection—Protective Footwear, IBR approved for § 1915.156(b)(2).

(2) The following material is available for purchase from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017:

(i) ASME Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1963, IBR approved for § 1915.172(a).

(3) The following material is available for purchase from the American Conference of Governmental Industrial Hygienists (ACGIH), 1014 Broadway, Cincinnati, OH 45202:

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(i) Threshold limit values, 1970, IBR approved for §§1915.12(b) and 1915.1000, table Z.

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§ 1915.6 Commerical diving operations.

Commerical diving operations shall be subject to subpart T of part 1910, §§1910.401–1910.441 of this chapter.

§ 1915.7 Competent person.

(a) *Application.* This section applies to shipyard employment.

(b) *Designation.* (1) One or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section, unless the requirements of subparts B, C, D and H of this part are always carried out by a Marine Chemist. *Exception:* The employer may designate any person who meets the applicable portions of the criteria set forth in paragraph (c) of this section as a competent person who is limited to performing testing to the following situations:

(i) Repair work on small craft in boat yards where only combustible gas indicator tests are required for fuel tank leaks or when using flammable paints below decks;

(ii) Building of wooden vessels where only knowledge of the precautions to be taken when using flammable paints is required;

(iii) The breaking of vessels where there is no fuel oil or other flammable hazard; and

(iv) Tests and inspections performed to comply with §§1915.35(b)(8) and 1915.36(a)(5).

(2)(i) The employer shall maintain either a roster of designated competent persons or a statement that a Marine Chemist will perform the tests or inspections which require a competent person.

(ii) The employer shall make the roster of designated persons or the statement available to employees, the employee's representative, the Director or the Assistant Secretary upon request.

(iii) The roster shall contain, as a minimum, the following:

(A) The employers' name,

(B) The designated competent person's name(s), and

(C) The date the employee was trained as a competent person.

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(c) *Criteria.* The employer shall ensure that each designated competent person has the following skills and knowledge:

(1) Ability to understand and carry out written or oral information or instructions left by Marine Chemist, Coast Guard authorized persons and Certified Industrial Hygienists;

(2) Knowledge of subparts B, C, D and H of this part;

(3) Knowledge of the structure, location, and designation of spaces where work is done;

(4) Ability to calibrate and use testing equipment including but not limited to, oxygen indicators, combustible gas indicators, carbon monoxide indicators, and carbon dioxide indicators, and to interpret accurately the test results of that equipment;

(5) Ability to perform all required tests and inspections which are or may be performed by a competent person as set forth in subparts B, C, D and H of this part.

(6) Ability to inspect, test, and evaluate spaces to determine the need for further testing by a Marine Chemist or a Certified Industrial Hygienist; and

(7) Ability to maintain records required by this section.

(d) *Recordkeeping.* (1) When tests and inspections are performed by a competent person, Marine Chemist, or Certified Industrial Hygienist as required by any provisions of subparts B, C, D, or H of this part, the employer shall ensure that the person performing the test and inspection records the location, time, date, location of inspected spaces, and the operations performed, as well as the test results and any instructions.

(2) The employer shall ensure that the records are posted in the immediate vicinity of the affected operations while work in the spaces is in progress. The records shall be kept on file for a period of at least three months from the completion date of the specific job for which they were generated.

(3) The employer shall ensure that the records are available for inspection by the Assistant Secretary, Director, and employees and their representatives.

[59 FR 37856, July 25, 1994]